

**Plaintiff  
Jackie Fisher's**

**Response in Opposition  
to Defendants'**

**Motion for  
Summary  
Judgment**

**EXHIBIT**

**44**

**THE UNIVERSITY OF TEXAS MEDICAL BRANCH  
AT GALVESTON  
UTMB MANAGED CARE**

GRIEVANCE ☒ APPEAL ☐

TO: Human Resources

FROM: JACKIE FISHER  
(Employee Name/Complainant)  
Medical-Wanner  
(Department and Facility)

ANM  
(Job Title)

The following grievance/appeal is submitted in accordance with The University of Texas Medical Branch Managed Care Discipline and Dismissal, Grievance or Appeal Policy:

**FOR GRIEVANCE ONLY**

Reason for Grievance (Include UTMB Managed Care Policy violated, if any):

Retaliation

Date occurred: 10-5-06

Employee's Statement (Additional pages may be attached, if needed):

See attached

Desired Results:

Review & action

Employee's Signature

Jackie Fisher

Date

10-9-06

Return the completed form and supporting information to your local UTMB Managed Care Human Resources Office.

**FOR USE BY HUMAN RESOURCES ONLY**

Human Resources Representative

Grievance No. \_\_\_\_\_

Appeal No. \_\_\_\_\_

**MANAGEMENT CONTACT:**

Verbal Presentation:

	Date	Resolution
Level 1	Date Rec'd _____ Date to Respondent _____ Due Date _____	Resolution _____
Level 2	Date Rec'd _____ Date to Respondent _____ Due Date _____	Resolution _____
Level 3	Date Rec'd _____ Date to Respondent _____ Due Date _____	Resolution _____

FISHER-100301

To: Sandy Rader, HV Human Resource Administrator  
Re: Internal Grievance  
Date: October 9, 2006

This internal grievance is filed against David Watson, District Nurse Manager (NM) for the Huntsville Cluster.

On 8/17/06 there was an email sent from Mr. Watson stating "Effective Friday, 8-18-06, in the absence of Ms. Roddey and pending the selection of a permanent Cluster Nurse Manager, Carol Warren, DNM for the Northeast District, will have both administrative AND operational oversight of the nursing activities of the Wynne unit."

Despite the change in Nursing administration and oversight both Ms. Warren, DNM of the Palestine Cluster and Mr. Watson, DNM of the Huntsville Cluster came to the Wynne Unit on Friday, 9/29/06 to review a facility audit form that Ms. Warren uses at her facilities. During this visit there were some nursing deficiencies discussed, all which were the responsibilities of the previous CNM, Ms. Roddey.

From this visit that transpired on 9/29/06, Mr. Watson went to and provided negative reinforcement to the TDCJ-ID Contractual Agency. Mr. Watson went unwarranted and voluntarily informed the TDCJ-ID Health Service Operational Review Auditor(s) that the Wynne Unit was out of compliance and would not pass their operational review audit. Mr. Watson's actions were unprofessional, vindictive and intended as a personal sabotage against me.

In comparison, the Holliday and Goree Units fall under the Nursing administration and oversight of Mr. Watson. These two Units were scheduled for Operation Review Audits during the same week as the Wynne Unit. Holliday Unit was scheduled Tuesday, 10/3/05, Goree Unit was scheduled Wednesday, 10/4/06 and Wynne Unit was scheduled Thursday, 10/5/06. During the Operational Review Audit at Holliday and Goree Units there were nursing deficits cited but Mr. Watson failed to provide negative information about either Holliday or Goree Units to TDCJ-ID Auditor(s). His negative emphasis was only an impact on the Wynne Unit. To make mention, the Wynne Unit falls directly under my supervision.

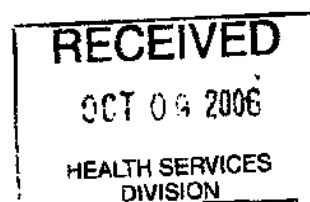
As the District Level Nurse Manager should be supportive and a positive representative for all of the TDCJ-ID facilities and UTMB-CMC as well.

As of 8/18/06, the nursing administration for Wynne was placed under Ms. Warren due to history and pending investigations. It is pertinent to know that Mr. Watson's actions were not in the best interest of the Wynne Unit or me.

Mr. Watson preconceived attempt to initiate my demise is continued retaliation. I submit this formal grievance for review and action.

Sincerely,

  
Jacklyn Fisher



FISHER-100302